

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ASSOCIATION OF AMERICAN
UNIVERSITIES, et al.,

Plaintiffs,

v.

DEPARTMENT OF ENERGY, et al.,

Defendants.

Case No. 25-cv-10912-ADB

DEFENDANTS' RESPONSE TO COURT ORDER

Pursuant to this Court's Order dated April 16, 2025 (ECF No. 34), Defendants respectfully submit the following response:

1. On April 16, 2025, the Department of Energy issued a notice on SAM.gov announcing and providing a copy of the Temporary Restraining Order. SAM.gov is the official U.S. government system for contracting, which the Department of Energy uses to communicate with its contractors and grantees in exceptional circumstances, such as this one, where a time-sensitive communication to large groups of grantees is required. Subject to limited exceptions, all grant recipients are required to “[m]aintain a current and active registration in SAM.gov at all times during which it has an active award.” 2 C.F.R. § 25.200(b)(2). To that end, the Department of Energy has used SAM.gov to circulate injunction notices in other pending funding litigation, just as it has done here.

2. In an abundance of caution, the Department of Energy is also providing each individual grant recipient with a copy of the Temporary Restraining Order via email. To ensure each individual grantee receives an email, at approximately 9 a.m. EST on April 17, 2025, the DOE Office of Management (MA) instructed its Heads of Contracting Officers to direct all DOE Grant Officials and Contracting Officers who administer active DOE grants involving Institutions of Higher Education (IHE) to provide written notice of the Temporary Restraining Order via email to each individual IHE grantee in their jurisdiction. DOE instructed that its Heads of Contracting Activities send these written notifications via email to all individual IHE grantees by end of day on April 17, 2025. DOE further instructed the Heads of Contracting Activities to provide responses including (1) the grant award ID and (2) recipient name for each IHE recipient emailed in this manner. The notifications to the IHE recipients read as follows:

Dear Grant Recipient,

The U.S. Department of Energy is providing you notice of the attached court order related to Policy Flash “PF 2025-22: Adjusting Department of Energy Grant Policy for Institutions of Higher Education.” Written notice of this order has been published on SAM.gov: <https://sam.gov/opp/5233f39f87af47baa7f5d79c1819a5bc/view>.

Respectfully submitted:

LEAH B. FOLEY

United States Attorney

By: /s/ Nicole M. O'Connor
Nicole M. O'Connor (BBO#675535)

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Dated: April 18, 2025

CERTIFICATE OF SERVICE

I, Nicole M. O'Connor, hereby certify that a true copy of the above document was served upon all parties of record via this court's electronic filing system and upon any non-registered parties via regular mail.

Dated: April 18, 2025

/s/ Nicole M. O'Connor
Nicole M. O'Connor
Assistant U.S. Attorney